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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,069	09/15/2000	Anandakumar Varatharajah	A-69227/MAK/LM	3198
30636	7590	07/05/2006	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				GARG, YOGESH C
ART UNIT		PAPER NUMBER		
3625				

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/663,069	VARATHARAJAH, ANANDAKUMAR	
Examiner	Art Unit		
Yogesh C. Garg	3625		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 May 2006.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,2,5-10 and 12-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,5-10 and 12-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_ .

4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

***Response to Amendment***

1. In the Applicant's amendment received on 05/1/2006 claims 9,16 and 18 are currently amended. Currently claims 1,2,5-10 and 12-19 are pending for examination.

***Response to Arguments***

2.1. Applicant's arguments (see Remarks, pages 6-8) filed on 5/1/2006 with respect to rejection of claims 1-2, 6-8 and 14-19 under 35 USC 102(e) have been considered but are not persuasive for following reasons:

The applicant argues, see page 6, last paragraph -page 7,first paragraph that as per claim 1, a consumer purchases a product via a website of an e-merchant and after the purchase, the e-merchant may forward a record of the purchase and then at a time subsequent to the purchase and from a remote location the consumer may view the electronic receipt in detail, select one or more items and create a review list. The examiner respectfully disagrees with this interpretation for claim 1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a consumer purchases a product via a website of an e-merchant and after the purchase, the e-merchant may forward a record of the purchase and then at a time subsequent to the purchase and from a remote location the consumer may view the electronic receipt in detail) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues, see page 7, second paragraph, that Ogasawara neither discloses nor suggests "forming an electronic list" and "storing the list on a data farm" ..... Ogasawara neither discloses nor suggests" selecting a first line item from a first electronic receipt, thereby forming an electronic list, wherein the first electronic receipt includes a record of a purchase transaction" and "storing the list on a data farm, " as recited in claim 1". The examiner respectfully disagrees. Ogasawara does teach that after selecting line items from an electronic receipt resulting from an earlier purchase transaction, say at a grocery store, makes a new list based upon the expiration dates and stores that list in the home terminal's local storage area-68 (see fig.5) for further reviewing. Note the selection of line items from the electronic receipt is done before storing the new electronic list made and only after the new list is made it is stored for reviewing. The storage space "68" of the home terminal corresponds to a repository for data, that is similar to a data farm as recited in claim 1.

The applicant further argues, see page 7, third paragraph-page 8, first paragraph, that Ogasawara only allows the customer and persons living with the customer to view the list and since the home terminal is designed for personal and home use, no authorization is required. The examiner does not agree because Ogasawara categorically states that the embodiment using the home terminal is a mere example but, see col.14, lines 33-51, his invention can be, with some variations, adapted and utilized in public places, like restaurants, pharmacies, hospitals, and the like. Therefore, while using the Ogasawara's invention in public places, like restaurants, pharmacies, hospitals, and the like the group of people that will be viewing the newly made electronic list of expired items from the electronic receipts would be only authorized group of people who are concerned with the management of inventory of these perishable items and in public places so as to avoid other employees/personnel from meddling with this list.

Since the applicant's arguments concerning claims 16-18 are based on the same rationale as for claim 1, they are also not considered persuasive for the same reasons as given above with regards to claim 1.

2.2. Applicant's arguments (see Remarks, pages 8-10) filed on 5/1/2006 with respect to rejection of claims 5, 9-10, 12 and 13 under 35 USC 103(a) have been considered but are not persuasive. Since the applicant's arguments concerning claims 5, 9-10, 12 and 13 are based on the same rationale as for claim 1, they are also not considered persuasive for the same reasons as given above with regards to claim 1.

In view of the foregoing, the rejection of the claims is sustainable as submitted earlier in the office action mailed on 2/8/2006. This is a Final Office action.

3. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 102***

4 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-8, and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara US Patent (6,327,576).

Regarding claim 1, Ogasawara discloses a method for manipulating receipt data, the method comprising:

Selecting a first line item from a first electronic receipt, thereby forming an electronic list, wherein the first electronic receipt includes a record of a purchase transaction (see at least col.11, lines 13-21. Fig.4 discloses an exemplary electronic receipt including a record of a purchase transaction and from this electronic receipt a first line is selected to form another electronic list as shown in Fig.6); storing the list on a data farm (see at least col.11, lines 22-37 which discloses storing the newly prepared list as shown in Fig.6 in the home terminal to display it on the screen of the home terminal); and authorizing a group of people to review the list (see at least col.12, lines 45-59. Once this list as shown in Fig.6 is created it can be displayed on the home terminal screen by depressing the button "List", that is key 82 and can be viewed at home by any one of the family group living in that home).

Ogasawara teaches that after selecting line items from an electronic receipt resulting from an earlier purchase transaction, say at a grocery store, makes a new list based upon the expiration dates and stores that list in the home terminal's local storage area-68 (see fig.5) for further reviewing. Note the selection of line items from the electronic receipt is done before storing the new electronic list made and only after the new list is made it is stored for reviewing. The storage space "68" of the home terminal corresponds to a repository for data, that is similar to a data farm as recited in claim 1. Ogasawara further categorically states that the embodiment

using the home terminal is a mere example but, see col.14, lines 33-51, his invention can be, with some variations, adapted and utilized in public places, like restaurants, pharmacies, hospitals, and the like. Therefore, while using the Ogasawara's invention in public places, like restaurants, pharmacies, hospitals, and the like the group of people that will be viewing the newly made electronic list of expired items for from the electronic receipts would be only authorized group of people who are concerned with the management of inventory of these perishable items and in public places so as to avoid other employees/personnel from meddling with this list.

Regarding claims 2 & 6, Ogasawara discloses reviewing the list, the reviewing performed by one of the group of people and also commenting on the list (see at least col.12, lines 45-59. Once this list as shown in Fig.6 is created it can be displayed on the home terminal screen by depressing the button "List", that is key 82 and can be viewed at home by any one of the family group living in that home. Further, on viewing the list the viewers can comment which of the items are expired and which items are nearing expiry, as shown in Fig.7.).

Regarding claim 7, Ogasawara discloses selecting a second line item from the first electronic receipt and adding that the second line item to the list (see at least Figs. 4 and 6 and col.11, lines 13-37 which disclose that one can select any number of items from an electronic receipt and add it to the list).

Regarding claim 8, Ogasawara further discloses selecting a second item from a second electronic receipt, wherein the second electronic receipt includes a record of a purchase transaction, and adding that second line item to the list (col.4, lines 26-39 and col.11, line 62-

col.12, line 9 which disclose selecting items from several electronic receipts, which include records of purchases and adding those items to a current list).

Regarding claims 14-15, Ogasawara discloses participating in a first purchase transaction at a first merchant, thereby generating said first electronic receipt and participating in a second purchase transaction at a second merchant, thereby generating said second electronic receipt (see at least col.4, lines 26-39).

Regarding claim 16, Ogasawara discloses a system for manipulating receipt data, the system comprising:

a first e-merchant stored in a first computing device and operable to generate an electronic receipt, wherein the electronic receipt includes a record of a purchase transaction (see at least Fig.1, col.3, line 22-col.4, line 5 where the store server which stores a program, corresponding to first e-merchant, to generate an electronic receipt 18 including a record of a purchase transaction);

a data farm stored in a memory coupled to said first e-merchant and configured to store said electronic receipt (see at least Fig.1, col.4, lines 26-58 where "24" the home terminal stores the data farm including the electronic receipts);

a shopping service stored in a second computing device coupled to said data farm and configured to retrieve said electronic receipt for a consumer and allow the consumer to select a line item from said transaction record, thereby creating a review list stored on the data farm (see at least Fig.1, col.4, lines 26-58 where "24" the home terminal also includes a shopping service stored in a second computing device coupled to said data farm and configured to retrieve said electronic receipt for a consumer and allow the consumer to select a line item from said

transaction record, thereby creating a review list. Ogasawara teaches that after selecting line items from an electronic receipt resulting from an earlier purchase transaction, say at a grocery store, makes a new list based upon the expiration dates and stores that list in the home terminal's local storage area-68 (see fig.5) for further reviewing. Note the selection of line items from the electronic receipt is done before storing the new electronic list made and only after the new list is made it is stored for reviewing. The storage space "68" of the home terminal corresponds to a repository for data, that is similar to a data farm as recited in claim 1).

Regarding claim 17, Ogasawara further discloses a second e-merchant stored in a third computing device coupled to said data farm and operable to generate a second electronic receipt, wherein the second electronic receipt includes a record of a purchase transaction, said data farm further configured to store said electronic receipt; and said shopping service further operable to retrieve said first and second electronic receipts (see at least Fig.1, col.4, lines 26-58 which discloses that the home terminal "24" can be connected to any number of store servers "14", which correspond to e-merchant programs stored in different computing devices belonging to different stores and generating electronic receipts for purchases made in those stores and then these electronic receipts are stored in the home terminal system from where these electronic receipts can be retrieved by a user).

Regarding claims 18-19, their limitations are already covered in claims 1-2, 5, 7, 8, 14-15, and are therefore analyzed and rejected on the same basis.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.1. Claim 5 is rejected under 35 U.S.C. 103(a) as being obvious over Ogasawara and in view of Official Notice.

Regarding claim 5, Ogasawara discloses reviewing a list for expired items made from electronic receipts having records of purchases made earlier as already analyzed in claim 2 above. Ogasawara further discloses that reviewing comprises viewing and commenting on the list as which item have expired and which are going to expire shortly (see at least col. 12, lines 45-59. Once this list as shown in Fig.6 is created it can be displayed on the home terminal screen by depressing the button "List", that is key 82 and can be viewed at home by any one of the family group living in that home. Further, on viewing the list the viewers can comment which of the items are expired and which items are nearing expiry, as shown in Fig.7.). Ogasawara does not disclose placing an order for the first line item by one of a consumer and a shopping service. The examiner takes Official Notice of the notoriously well-known fact of placing an order to replenish the used up inventory and, therefore, in view of the Official Notice, it would be obvious to one of an ordinary skill in the art to have placed orders for line items on the list which are expiring shortly or have expired to replenish them as they would be required for consumption at home.

5.2. Claims 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being obvious over Kraemer and in view of Ogasawara.

Regarding claims 9-10 and 12, Kraemer teaches a method for purchasing goods, including services, from multiple merchants, the method comprising:

selecting first and second goods for purchase on respective first and second websites (it is already covered in claims 1-2, 5, 7-8 and 14-15 above); paying for the first and second goods through the second website with one transaction from a consumer perspective, wherein the step of paying comprises automatically placing first and second orders for the first and second goods with the respective first and second websites (see at least col.7, lines 35-43, “*The method of the present invention may be used to devise a multi-retailer shopping cart, whereby the user can accumulate multiple products from independent retailers within a single virtual shopping cart. The user may select a “Purchase all products” within the toolbox to submit their credit card and contact information to all the retailers, for all the products within their shopping cart, all at once. Purchasing multiple products from multiple retailers all at once significantly increases convenience for the user.*”). Note: Since the user is allowed to purchase from a plurality of websites and if he is purchasing from two different websites then he would inherently close his purchase transaction at the second website and by selecting the button, “Purchase all products” he checks out at the second website which inherently includes the payment as well for the products and the orders are placed on the first and second websites belonging to first and second vendors. ).

Kraemer also teaches creating an electronic record of the selected goods and retrieving an electronic record of the first and second orders (see at least col.5, line 25-col.6, line 63, which discloses, as analyzed above for claims 1-2, 5, 7-8 and 14-15 that items selected by the gift-recipient from a web-page of one vendor are added to the items listed from another web-

page of another vendor to form a gift registry list and this registry list is retrieved by the purchaser to view the items. Note: Electronic record corresponds to the list for products, that is gift-registry formed by the gift-recipient). Kraemer does not disclose generating an electronic receipt for the transaction, the receipt including line item corresponding to a purchase record for each of the first and second goods and storing the electronic receipt in a remote database for later retrieval, wherein the consumer may select line items, thereby authorizing a group of users to retrieve the line items. However, in the same field of endeavor, that is of purchase transactions, Ogasawara teaches generating an electronic receipt for the transaction, the receipt including line item corresponding to a purchase record for each of the first and second goods and storing the electronic receipt in a remote database for later retrieval, wherein the consumer may select line items, thereby authorizing a group of users to retrieve the line items (see at least col.3, line 22-col.4, line 58 and the analysis made in rejecting claims 1-2, 6-8, and 14-19 above. Ogasawara further categorically states that the embodiment using the home terminal is a mere example but, see col.14, lines 33-51, his invention can be, with some variations, adapted and utilized in public places, like restaurants, pharmacies, hospitals, and the like. Therefore, while using the Ogasawara's invention in public places, like restaurants, pharmacies, hospitals, and the like the group of people that will be viewing the newly made electronic list of expired items for from the electronic receipts would be only authorized group of people who are concerned with the management of inventory of these perishable items and in public places so as to avoid other employees/personnel from meddling with this list.). In view of Ogasawara, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Kraemer to incorporate the feature of generating an electronic receipt for the transaction, the receipt including line item corresponding to a purchase record for each of the first and second goods and storing the electronic receipt in database for

later retrieval, wherein the consumer may select line items, thereby allowing a group of users to retrieve the line items because, as demonstrated in Ogasawara, this would provide the purchaser with electronic inventory control systems and methods for managing shelf-life products (see Ogasawara, col.2, lines 10-14) and also to update the inventory of the items purchased earlier or update the records pertaining to budget or for other reasons as are known to an ordinary skill in the art.

5.3. Claim 13 is rejected under 35 U.S.C. 103(a) as being obvious over Kraemer in view of Ogasawara and further in view of the article posted on Internet, "End-to-End Enterprise Solution: Extending the Reach of Retail Stores Through Point-of-Sale Web Technology" (December 1999 on website <http://java.sun.com/features/1999/12/atpos..html>).

Regarding claim 13, Kraemer further teaches viewing an advertisement (see at least col.3, line 53-col.4, line 7, "..... *Toolbar 150 provides enhanced functionality, such as services "Purchase this product" or "Register this product." Toolbar 150 may also provide other general functions such as "Home" and "Help". Toolbar 150 may also include a graphical presentation such as an advertisement. .... Toolbar 150 may also include sponsored presentations such as advertising banners.* ") but does not disclose that this advertisement is displayed while paying. However, in the field of same endeavor, "End-to-End Enterprise Solution" discloses this feature ( see page 1, ".....*customers select their preferred payment method..... participate in surveys and be treated to targeted color display and banner ads...all the time it takes to process the customer's payment transaction...*"). In view of "End-to-End Enterprise Solution", it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Kraemer in view of Moran as applied to claim 10 to incorporate the feature of displaying advertisement during the step of paying because the

advertisements fills up the payment processing time, which is utilized to display targeted advertisements based upon the customer's profile and which is expected to increase the revenues and profits of the manufacturers of items for which the advertisements are displayed.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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6/28/2006